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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
FOSAMAX PRODUCTS LIABILITY LITIGATION :
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ORDER

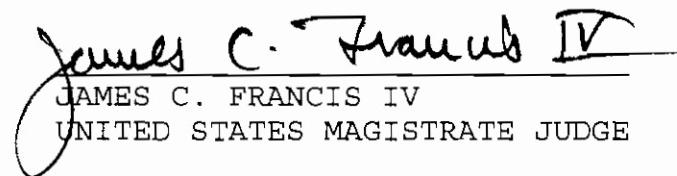
JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

A pretrial conference having been held on July 25, 2008, it is hereby ORDERED as follows:

1. By August 15, 2008, Merck shall identify all countries in which it conducts causality assessments in order to comply with requirements to report adverse reactions.
2. By September 15, 2008, Merck shall produce all causality assessments and underlying service documents.
3. Plaintiffs shall proceed with the deposition of Ann DiPapp and may examine her regarding the purported paucity of documents produced from her custodial file. If it is ultimately determined that additional relevant documents from her file were not produced in a timely fashion, she may be recalled for further examination. In addition, counsel are encouraged to agree on a method for producing a random sample of documents from Ms. DiPapp's file which were identified by the keyword search but were deemed not to be relevant and therefore were not initially produced.

4. The next regularly-scheduled pretrial conference shall be held on September 26, 2008, at 9:30 a.m. in courtroom 18-D.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 29, 2008

Copies mailed this date:

Randi Kassan, Esq.
Sanders Viener Grossman
100 Kerricks Rd.
Mineola, New York

Solman Clum, Esq.
James Green, Esq.
Michelle Parfitt, Esq.
Ashcroft & Gerel, LLP
100 L Street, N.W. -Suite 400
Washington D.C. 20036

Christopher Seegar, Esq.
Jeffrey Grand, Esq.
Seegar Weiss, LLP
One William Street
New York, New York 10004

Timonth M. O'Brien, Esq.
Levin, Papantonio, Thomas, Mitchell,
Echsner & Proctor, P.A.
316 South Baylen Street, Suite 600
Pensacola, FL 32502

Van Andrus, Esq.
Andrus, Boudreaux, Lemoine & Tonore
1775 Sherman Street
Denver, CO 80203

William J. Beausoleil, Esq.
Norman C. Kleinberg, Esq.
Theodore Mayer, Esq.
Cecily C. Williams
Hughes Hubbard Reed LLP
1 Battery Park Plaza
New York, NY 10004

Russel H. Beatie, Jr., Esq.
Daniel A. Osborn, Esq.
Beatie & Osborn
521 Fifth Avenue, 34th Floor
New York, New York 10175

Paul F. Strain, Esq.
M. King Hill, III, Esq.
Christina L. Gaarder, Esq.
David J. Heubeck, LLP
Venable LLP
1800 Mercantile Bank & Trust Building
2 Hopkins Plaza - Suite 1800
Baltimore, MD 21201

Ethan D. Stein, Esq.
Gibbons, Del Deo, Dolan Griffinger
& Vecchione
One Pennsylvania Plaza, 37th Floor
New York, New York 10119

Joe G. Hollingsworth, Esq.
Spriggs & Hollingsworth
13501 1 Street, N.W.
Washington, D.C. 20005

James H. Neale, Esq.
Fulbright & Jaworski LLP
666 Fifth Avenue
New York, New York 10103

Louis Battista, Esq.
Krupnick, Campbell, Malone
700 S.E. Third Avenue, Suite 100
Fort Lauderdale, FL 33316

Annesley DeGaris, Esq.
Cory, Watson, Crowder & DeGaris, PC
2131 Magnolia Avenue
Birmingham, AL 35205

James Dugan, II, Esq.
Murray Law Firm
909 Poydras Street, Suite 2250
LL&E Tower
New Orleans, LA 70112

Robert G. Germany, Esq.
Pittman, Germany, Roberts & Welsh, LLP
410 S. President Street
Jackson, MS 39201

Anthony Irpino, Esq.
Irpino Law Firm
One Canal Place
365 Canal Street, Suite 2290
New Orleans, LA 70130

Tina Nieves, Esq.
Gancedo & Nieves
119 E. Union Street, Suite G
Pasadena, CA 91103

Shelly Sanford, Esq.
Goforth Lewis Sandord LLP
1111 Bagby, Suite 2200
Houston, Texas 77002

Jerry Taylor, Esq.
Beasley, Allen Crow, Methvin, Portis
& Miles, PC
218 Commerce Street
Montgomery, AL 36104